

# YOUTH SERVICES POLICY

<b>Title:</b> Correspondence and Packages <b>Next Annual Review Date:</b> 05/20/2010	<b>Type:</b> C. Field Operations <b>Sub Type:</b> 2. Security <b>Number:</b> C.2.9
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<b>References:</b> ACA Standards 2-CO-3C-01, 2-CO-5D-01 (Administration of Correctional Agencies); 4-JCF-3A-01, 4-JCF-3A-07, 4-JCF-3A-08, 4-JCF-3A-09, 4-JCF-3A-10, 4-JCF-3A-11, 4-JCF-3A-12, 4-JCF-3A-13, 4-JCF-3A-14, 4-JCF-3A-15, 4-JCF-3C-04, 4-JCF-5D-01 (Performance-based Standards for Correctional Facilities); JEP15 (CJCA Performance-based Standards); La. R.S. 14:91.11; La. R.S. 14:402 (F) and YS Policies A.2.30 "Mail Precautions", B.5.3 "Administrative Remedy Procedures", and C.1.7 "Crime Victim's Services Bureau"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>Mary L. Livers, Deputy Secretary</i>	<b>Date of Approval:</b> 05/20/2009

## I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405; La. R.S. 14:402 and 15:833(A). Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To establish the Deputy Secretary's policy regarding the receipt and sending of mail and packages at all secure facilities.

## III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Deputy Assistant Secretaries and all Facility Directors. It is each Director's responsibility to implement this policy and convey its contents to youth, affected employees and affected members of the public.

## IV. DEFINITION:

***Indigent Youth*** - a youth under the supervision of Youth Services (YS) who has little or no money.

**V. POLICY:**

It is the Deputy Secretary's policy that reasonable restrictions (consistent with acceptable custody practices and the interests of crime victims) be placed on youth's ability to send and receive letters and publications through the mail.

Reading or censorship of letters and publications should generally be limited to those items containing material that interferes with legitimate YS objectives (including but not limited to deterrence of delinquency, rehabilitation of youth, maintenance of internal/external security of a facility, or maintenance of an environment free from sexual harassment), or if the reading or censorship is necessary to prevent the commission of a crime or to protect the interests of crime victims. All outgoing mail shall be stamped to indicate it originates from a secure facility.

The receipt of packages through the mail must conform to the list of approved package items at the facility. Packages must be inspected and handled in accordance with this policy. All incoming and outgoing mail and packages must include the youth's Client ID number.

**VI. PROCEDURES FOR LETTERS:**

**A. Receipt and Sending of Letters through the Mail:**

1. Restrictions on the number of letters written or received and the length or language of the letter must be justified in accordance with this policy and documented. Restrictions on who youth may be allowed to send and receive letters through the mail from must be justified in accordance with this policy. Youth may not send or receive letters from adult prison inmates unless the person is officially listed in their record as an identifiable parent, legal spouse, sibling or grandparent, or unless an exception has been approved by the Director.
2. On the written request of the person receiving correspondence from a youth, or of a minor's parent or legal guardian, the facility may refuse to mail correspondence addressed to that person.
3. All mail, incoming and outgoing, shall be handled without unjustified delay. Letters should not be held more than 24 hours, and packages not more than 48 hours. This does not prohibit the holding of mail for youth who are temporarily absent from the facility and does not include weekends and holidays or emergency situations. Exception to this provision may be made when Investigative Services decides to retain a letter or package for the purposes of an on-going investigation.

4. No record shall be kept of whom a youth corresponds with, except when the Director determines that it is necessary for legitimate YS objectives (including, but not limited to, deterrence of delinquency, rehabilitation of youth, maintenance of internal/external security of a facility, or maintenance of an environment free from sexual harassment), or it is necessary to prevent the commission of a crime or to protect the interests of crime victims, and has authorized in writing the keeping of such record. Facility staff may, in these cases, maintain copies/logs for verification purposes.
5. Youth shall not initiate contact with the victim(s) of their crime(s) (or the victims' family members) except in accordance with specific procedures established by the Director in conjunction with the Crime Victims Services Bureau.

B. Inspection of Letters:

1. Outgoing Letters - All outgoing letters shall be posted unsealed and inspected for contraband. The youth's name, Client ID number, living area and the address of the facility shall be written or typed on the upper left hand corner of the envelope. Drawing, writing and marking on envelopes, other than the return and sending address, are not permitted. All outgoing mail shall be stamped to indicate it originates from a secure facility.

**EXCEPTION:** Outgoing privileged mail (see following list) may be posted sealed and shall not be opened or inspected except as indicated in Section VI.D.:

- a. Identifiable courts;
- b. Identifiable prosecuting attorneys;
- c. Identifiable probation and parole officers;
- d. Federal, State and local chief executive officers;
- e. Identifiable attorneys;
- f. Deputy Secretary, Undersecretary or designee, Assistant Secretary, Deputy Assistant Secretaries and other officials and administrators of grievance systems of YS; and
- g. Local, State, or Federal law enforcement agencies and officials.

It is the responsibility and duty of the facility staff to verify the legitimacy of the official listed on the envelope. For purposes of this exception, "identifiable" means that the official or legal capacity of the addressee is listed on the envelope and is verifiable. If not, the letter is to be treated as regular mail and an appropriate inquiry made into the youth's intent in addressing the envelope as privileged mail.

2. Incoming Letters - Incoming letters may be opened and inspected for contraband. Incoming privileged mail, as listed below, may be opened and inspected for contraband only in the presence of the youth addressee except as indicated in Section VI.D.:
  - a. Identifiable courts;
  - b. Identifiable prosecuting attorneys;
  - c. Identifiable probation and parole officers;
  - d. Federal, State and local chief executive officers;
  - e. Identifiable attorneys;
  - f. Deputy Secretary, Undersecretary, Assistant Secretary, Deputy Assistant Secretaries, and other officials and administrators of YS grievance systems; and
  - g. Local, State, or Federal law enforcement agencies and officials.

Upon the determination that this mail is not identifiable privileged mail, it shall be treated as all other incoming mail, and shall be opened and inspected for contraband and an appropriate inquiry made into the sender's intent in addressing the envelope as privileged mail.

**C. Reading of Letters:**

Youth's letters may be read only when the Director or his designee has determined through relevant information that the correspondence may contain material that interferes with legitimate YS objectives (including but not limited to deterrence of delinquency, rehabilitation of youth, maintenance of internal/external security of a facility, or maintenance of an environment free from sexual harassment), or if the reading is necessary to prevent the commission of a crime or to protect the interests of crime victims. In such cases, a written record shall be kept and shall include:

1. Youth's name and Client ID number;
2. The specific reasons it is necessary to read the mail;
3. Approximate length of time the mail is to be read;
4. A photo copy and a list of each piece of correspondence, including the date received and the name of the sender; and
5. Signature of the Director or his designee.

**D. Mail Precautions:**

The Directors are authorized to open and inspect incoming and outgoing privileged mail outside the youth's presence in the following circumstances: (See YS Policy No. A.2.30 "Mail Precautions" for additional information.)

1. Packages and letters that are unusual in appearance or appear different from mail normally received or sent by the individual;
2. Packages and letters of a size or shape not customarily received or sent by the individual;
3. Packages and letters which have a city and/or state postmark that is different from the return address;
4. Packages and letters that are leaking, stained or emitting a strange or unusual odor or have a powdery residue; or
5. When reasonable suspicion of illicit activity has resulted in a formal investigation and such inspection has been authorized by the Deputy Secretary or designee.

**E. Stationery, Envelopes and Stamps:**

1. These items shall be available for purchase in the canteen.
2. Indigent youth shall have access to postage necessary to send a minimum of three personal letters per week, postage necessary to send out approved legal mail on a reasonable basis and basic supplies necessary to prepare legal documents.

**VII. PROCEDURES FOR PACKAGES:**

**A. Approved Items for Packages:**

Legitimate catalog vendors shall be used to the maximum extent feasible so that the possibility of contraband being introduced into the facilities through this source is minimized. Generally, items available in the canteen should not be approved for receipt in packages.

B. Inspection of Packages:

All packages shall be inspected for the purpose of discovering contraband. Such inspection shall be done in a manner that is not intended to damage the contents of the package. A list shall be kept of the items a youth has received through the mail. Employees shall note brand names of each item received whenever possible.

Upon discovery of unapproved items in an incoming package, the youth shall be sent a notice of the contents of the package, the date of its receipt and the reason the package is unacceptable. If the unapproved items (other than perishables) are of a nature to be returned, the youth shall be notified that he has 21 days to provide return postage for the package. At the end of 21 days, the disposal process may begin as outlined under Section VII. C. Postage shall be provided for indigent youth. When a package is returned to sender, a note shall be sent with it specifying the reason for its return.

**EXCEPTION:** All packages which are sealed may be opened and inspected in the presence of the youth, in which case a listing or inventory of the package contents may not be required. Upon receipt of a package handled in this manner, the youth shall sign a statement that the youth agrees that all items due him are in the package. If the youth agrees with the contents, staff shall document same in accordance with facility procedures, including giving the youth the option of either returning the package or accepting the package and dealing directly with the vendor regarding any dispute.

C. Disposal of Items Received in Packages and Letters:

No items, other than perishables, should be finally disposed of prior to the exhaustion of an administrative appeal of the disposal or acceptance of the item(s). (Failure to timely file constitutes exhaustion.)

1. Unapproved items for which no postage has been provided and for which appeals have been exhausted shall be disposed of in the following manner with documentation of the method of disposal:
  - a. All perishable items shall be destroyed;
  - b. Facility may place items in use in the facility if legitimately needed. Clothing may be used for youth discharging from custody;
  - c. Items may be donated to a charitable organization;
  - d. Items of little or no value may be destroyed; and
  - e. Cash shall be deposited as self-generated revenue in the facility's general operating appropriation in accordance with La. R.S. 14:402(F).

2. Contraband items (listed below) received in a letter or package, and any other pertinent information shall be turned over to law enforcement authorities in the parish where the facility is located, with notification to the local FBI agent (if appropriate) or the U.S. Postal Service:
  - a. Any controlled dangerous substance;
  - b. Any weapon or explosive;
  - c. Any escape plans; and
  - d. Any plans for criminal activity or acts which constitute criminal behavior.
3. Appropriate documentation shall be maintained on all items returned to sender or otherwise disposed of.
4. No unapproved items shall be given to or purchased by an employee of YS.
5. Upon approval of the Director, unapproved items, other than those listed in Section VII.C.2, may be disposed of by turning the items(s) over to an approved visitor of the youth having received the unapproved item(s) and having the visitor sign a receipt for the item(s).

#### **VIII. PROCEDURES FOR PUBLICATIONS:**

- A. Books, magazines, newspapers, pamphlets, leaflets, brochures, and other printed material are considered publications. Such printed material may be read and inspected to discover contraband and unacceptable depictions and literature. Unless otherwise provided by the rules of the facility, all printed material must be received directly from the publisher.

- B. Refusal of Publications:

Printed material shall only be refused if it interferes with legitimate YS objectives (including, but not limited to, deterrence of delinquency, rehabilitation of youth, maintenance of internal/external security of a facility or maintenance of an environment free from sexual harassment), or if the refusal is necessary to prevent the commission of a crime or to protect the interests of crime victims. This would include, but not be limited to, the following described categories:

1. The printed material concerns escape methods or plans;
2. The printed material concerns plans to violate facility rules or disrupt its routine;

3. The printed material concerns the introduction, purchase or instructions in the manufacture of controlled dangerous substances, alcohol or other substances or apparatus not consistent with the security or stability of the facility;
  4. The printed material concerns the introduction of, or instructions in the use, manufacture, storage or replication of weapons, or instructs in the use of martial arts;
  5. The printed material contains material which, reasonably construed, is written for the purpose of communicating information which could promote the breakdown of order through youth disruption, such as strikes or riots or instigation of youth unrest for racial or other reasons; or
  6. The material features depictions of nudity on a routine or regular basis or promotes itself based upon such depictions; or is sexually explicit and may therefore contribute to a sexually offensive environment and the sexual harassment of staff or youth. This includes material presented in a manner to provoke or arouse lust, passion, or perversion or to exploit sex.
- C. Newspapers and magazine clippings are considered publications for the purpose of censorship and review pursuant to this policy. However, they are not required to originate from the publisher. The quantity received may be limited by what can be reasonably reviewed for security reasons in a timely manner.
- D. If the printed material contains a presentation of sexual behavior that meets the definition of "material harmful to minors" as established in La. R.S. 14:91.11, it shall be refused. Such material generally exploits, is devoted to or principally consists of descriptions of illicit sex or sexual immorality for commercial gain and is presented in a manner to provoke or arouse lust, passion, or perversion or exploit sex.
- E. Procedures when Publication is Refused:

When a publication is refused, the youth may appeal by filing a "Request for Administrative Remedy" pursuant to YS Policy No. B.5.3. The facility should retain possession of the disputed item(s) until the exhaustion of administrative and judicial review.



**IX. COLLECTION AND DISTRIBUTION OF MAIL:**

- A. The collection and distribution of mail is never to be delegated to a youth. Mail shall be given directly to the receiving youth by an employee.
- B. When mail is received for a youth who has been transferred to another facility or released, the facility where the mail is received shall attempt to forward the mail to him.
- C. Youth shall be notified when incoming or outgoing letters are withheld in part or in full.

**X. PROCEDURES FOR PHOTOGRAPHS, DIGITAL OR OTHER IMAGES:**

- A. Youth shall not be allowed to receive or possess photographs, digital or other images that interfere with legitimate YS objectives (including, but not limited to, deterrence of delinquency, rehabilitation of youth, maintenance of internal/external security of facility, or maintenance of an environment free from sexual harassment), or to prevent the commission of a crime or to protect the interests of crime victims. This includes photographs, digital or other images which expose the genitals, genital area (including pubic hair), anal area, cheeks of the buttocks or female breasts (or breasts which are designed to imitate female breasts). These areas must be covered with garments which are not transparent. Lingerie will not be acceptable whether transparent or not. Swimwear will only be acceptable if the overall context of the picture is reasonably related to activities during which swimwear is normally worn. Suggestive poses alone may be sufficient cause for rejection regardless of the type of clothing worn.
- B. Each facility shall develop a procedure that serves to reasonably restrict a youth's possession of multiple copies of the same photograph, digital or other image.
- C. Hard-backed photographs, digital or other images that are subject to alteration or modification, may be rejected.
- D. The term "photograph" includes other images such as those created by a digital imaging device or e-mails.
- E. Appeals of photograph rejection under this policy are actionable under the standard procedures of the "Administrative Remedy Procedure". (Refer to YS Policy No. B.5.3)

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No photographs shall be disposed of prior to the exhaustion of the administrative appeal process.

**Previous Regulation/Policy Number:** C.2.9  
**Previous Effective Date:** 12/2/05  
**Attachments/References:**